

2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

2008 SEP -8 P 2:59

FRED COLEMAN, #174737,

Plaintiff,

U.S. DIST. COURT CLERK
EAST. DIST. MICHIGAN
DETROIT

v.

CASE NO. 2:08-CV-13735
HONORABLE DENISE PAGE HOOD

LINDA TRIBLEY, et al.,

Defendants.

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Before the Court is Plaintiff Fred Coleman's *pro se* civil rights complaint brought pursuant to 42 U.S.C. § 1983. Plaintiff is a Michigan prisoner currently confined at the Baraga Maximum Correctional Facility in Baraga, Michigan. In his complaint, Plaintiff names several employees at that facility as defendants in this action.

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. 28 U.S.C. § 1331(b). Public officials "reside" in the county where they serve. *See O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972).

Pursuant to 28 U.S.C. § 1404(a), a district court may transfer a civil action to any other district

where it might have been brought for the convenience of the parties and witnesses, in the interest of justice.

Having reviewed the complaint, the Court finds that the United States District Court for the Western District of Michigan is a more appropriate forum for this action. Plaintiff is incarcerated in Baraga County and the defendants reside in Baraga County for purposes of the present complaint. Baraga County lies in the Northern Division of the Western District of Michigan. *See* 28 U.S.C. § 102(b).

Accordingly, the Court ORDERS the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan. *See* 28 U.S.C. §§ 1391(b) and 1404(a).



R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: September 8, 2008